

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) Brandon J. Holmes # 73170-004 Rose
(Name of Plaintiff) (Inmate Number)Lewisburg USP - P.O. Box 1000, Lewisburg, PA 17837
(Address)(2) _____
(Name of Plaintiff) (Inmate Number)_____
(Address)(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) J. Eck(2) C. Pizzoli(3) M. Russo
(Names of Defendants)(4) B. Mottern Defendants
(Each named party must be numbered,
and all names must be printed or typed)(5) UNITED STATES Defendant... ~~et al~~ Et al...TO BE FILED UNDER: ☐ 42 U.S.C. § 1983 - STATE OFFICIALS☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS3:16-cv-644
(Case Number)

"Demand Jury Trial"

FILED
SCRANTON

APR 18 2016

PER [Signature]
DEPUTY CLERK

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Brandon Jacquay Holmes vs. Christian Lere, 1:12-cv-01649-AWI-NUS
Filed October 9, 2012. Terms of a Written Settlement Dated
December 30, 2014. Judicial Officer, MR. Michael J. Seng

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No

C. If your answer to "B" is Yes:

1. What steps did you take? informal Grievance, BP-9, BP-10
BP-11 Grievance And Regional office Federal Tort Claim # TRT-NER-2016-00195
2. What was the result? On going investigation still be conducted.
and work

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

(1) Name of first defendant: J. Eck

Employed as BoP employee at USP Lewisburg
 Mailing address: P.O. Box 1000 / Lewisburg PA, 17837

(2) Name of second defendant: C. Pizzoli

Employed as BoP employee officer at FCC Allenwood
 Mailing address: P.O. Box 3500 / White Deer PA, 17887

(3) Name of third defendant: M. Russo

Employed as BoP employee officer at USP Lewisburg
 Mailing address: P.O. Box 1000 / Lewisburg PA, 17837

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

5
See one Page
Attachment

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Please see three Page Attachment of
Civil Rights Complaint

2.

3.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

~~FOR~~ Criminal Charges to be brought up against each officer involved with this assault in their individual capacity and official capacity.

2.

I seek a total of \$10,000,000 ten million dollars in U.S. currency as compensation from the federal government and each federal employee involved in this assault for all my injuries and for their wanton

3.

misconduct of this assault incident dated march 10, 2015. Into be transferred away from this institution because i believe my life is still endanger, because im still being set up with incident reports

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of April, 2016.

Bruce Mac
(Signature of Plaintiff)

Civil Rights Complaint, Attachment

STATEMENT OF FACTS:

That, I Brandon Jacquay Holmes, a living breathing man, say and declare by my signature that the following facts are true to the best of my knowledge and belief.

That, on march 10, 2015 at approximately 7:32 am while in the second floor shower stall on J-Block Unit at United States Penitentiary Lewisburg. I was having a conversation with another prisoner when officer J. Eck entered the shower and stated Holmes shut the "fuck up," you nothing but a coward, and i dont want to hear all of your bullshit.

Then, I responded by saying, I may not be the biggest or baddest dude in the world but im damn sure not a coward.

Then, Officer J. Eck stated, what are you going to do if i open your shower door and punch you in your face?

Then, I responded by saying that im going to do what any man or woman would do and that's defend my self.

Then, officer J. Eck stated well were about to find out, then left out of the shower and came back with officers B. McHern, M. Russo and C. Rizzoli (opened my shower stall door without me being in hand restraints and used his left hand to strike me in my chest area.)

Civil Right's Complaint Attachment

Then, I felt that my life was endangered when the other attackers officers B. Nottern, M. Russo and then C. Pizzoli also engaged in the assault by striking me with closed fist and batons to my head and every where else they could inflict pain to my body. Therefore I had no choice but to defend myself with hand to hand combat.

Then, As I defended myself as best I could against this malicious and sadistical assault, medical care provider, F. Alama walked by and visually seen what was taking place and pressed his body alarm. At this time I was in so much pain, and was over powered and placed on the shower floor, where I complied and was then placed in hand restraints with blood running from several areas of my body.

Then, other officers arrived on the scene and replaced the first attackers. Several minutes went by with me being on the floor with other officers striking me from time to time with me yelling out telling the officers to stop striking me. After a while I was escorted to the third floor of J-Block and placed in four point restraints, where the restraints was placed on top of my open wound's of my left ankle very tight. Where nurse Fahringer Matthew conducted a medical assessment of some of my injuries.

Then, after all the staff and medical employees left out of the four point restraint cell around ten minutes later, officers returned back into the four point cell, and removed the left side of my hand restraints, grabbed my left hand and arm and pulled me as hard as they could until my body lifted up off the bed, then placed my left hand back into the hand restraints extremely tight. Then stated have a nice day 'boy' before walking out leaving me in serious pain.

Civil Complaint


Civil Right's Complaint Attachment

Then, upon being in four point restraints for over 24 hours upon request, I was denied the right to eat or use the restroom. And had to urinate and lay in my own feces. The only person who gave me any food after 24 hours was Lt. K. Ferguson, which was a hand full of tater tot's and a piece of hamburger meat from his hand. About two hours later I was removed from four points and placed in full body restraints for over 24 hours as well. During this entire process I complained of constant pain and received no medical treatment. It was later determined that I have received severe nerve damage in both my hands, especially my left hand, where I have to live in constant pain. And couldn't function my left hand properly and placed several sick calls to medical and still wasn't medically assessed by the nerve doctor until four months later, which I was then placed on nerve medication to address my pain.

I received two incident reports for assault on staff. It was later determined upon further investigation and interrogation upon officer C. Pizzoli by the department of justice, where officer C. Pizzoli admitted and changed his initial story completely. Where he conspired with the other officers who all falsified government documentation against me to protect themselves from prosecution from the assault they maliciously participated in upon me.

I declare under penalty of Perjury that the foregoing is true and correct.

Dated April 13th 2016


(Signature of Plaintiff)

(List of additional defendants, their employment and addresses)

(4) Name of fourth defendant: B. Nottner

Employed as officer At USP Lewisburg

Mailing Address: P.O. Box 1000/ Lewisburg PA 17837

(5) Name of fifth defendant: UNITED STATES

Employed as legal entity/corporation

Mailing Address:

Dear: Ms. Maria E. Elkins, Office of the Clerk 4.13.2016

Greetings

Enclosed with this letter is a complete package of my Civil Complaint. I think that I followed all the instructions you sent me, If not please notify me of any errors.

Also I don't know the address(es) for the United States Attorney's Office for the State of Pennsylvania OR for the Attorney General of the United States. So I was unable to fill out the address on my USM 285 form. So can you please put the address on the form for me or send the address and another 285 form so that I can fill it out myself please.

"Thank you for your time and understanding"

Sincerely

Brandon Holmes Pro se

Inmate Name: Brandon Holmes
Register Number: 73170-004
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

ATG

4/13/2016

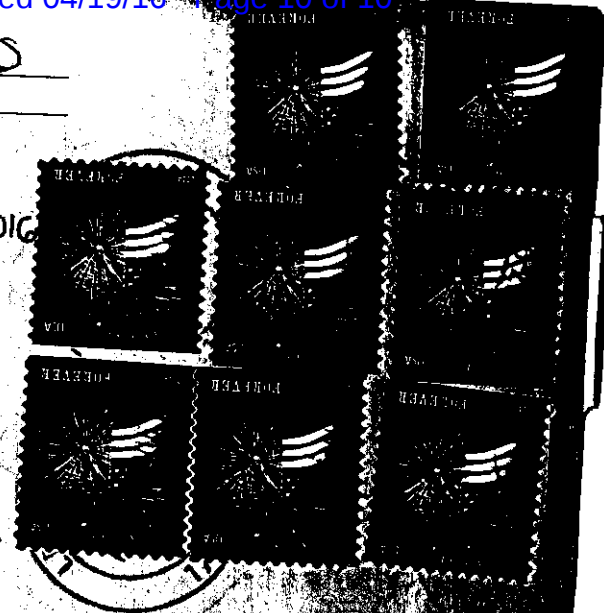
No Fee Envelope

**RECEIVED
SCRANTON**

APR 18 2016

PER _____
DEPUTY CLERK

(LEGAL MAIL)



US MAIL
UNITED STATES
Noble
William J. N.
Ser